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10 Attorneys for Defendants COUNTY OF ALAMEDA  
11 and YESENIA SANCHEZ

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

16 JOSE ANTONIO GARCIA,

Case No. 3:24-cv-03997-RS

17 Plaintiff.

**STIPULATION AND ORDER FOR  
STAY PENDING APPEAL**

18 | V.

19 COUNTY OF ALAMEDA, and YESENIA  
20 SANCHEZ, Sheriff of Alameda County, in her  
official capacity,

CMC Date: March 13, 2025

21 Defendants.

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Case No. 3:24-cv-03997-RS

STIPULATION AND ORDER FOR STAY PENDING APPEAL

1 Pursuant to Local Rule 7-12, the parties hereby stipulate to, and respectfully request, an  
2 order staying this action pending resolution of the Plaintiff's appeal to the United States Court of  
3 Appeals for the Ninth Circuit of the Order Denying Plaintiff's Motion for Preliminary Injunction.  
4 Order Den. Pl.'s Mot. Prelim. Inj., ECF No. 26.

5 WHEREAS, on July 2, 2024, Plaintiff filed a complaint in this matter, challenging County  
6 of Alameda's Ordinance No. 2023-31 ("Ordinance");

7 WHEREAS, on July 23, 2024, Plaintiff filed a motion for preliminary injunction, asking  
8 this Court to enjoin the enforcement of the Ordinance against Plaintiff during the pendency of this  
9 action;

10 WHEREAS, this Court denied Plaintiff's motion for preliminary injunction on October 11,  
11 2024;

12 WHEREAS, Plaintiff timely appealed this Court's denial of his motion for preliminary  
13 injunction to the United States Court of Appeals for the Ninth Circuit on November 7, 2024;

14 WHEREAS, although generally "an appeal from an interlocutory order does not divest the  
15 trial court of jurisdiction to continue with other phases of the case," *Plotkin v. Pacific Tel. & Tel.*  
16 *Co.*, 688 F.2d 1291, 1293 (9th Cir. 1982), this Court retains inherent discretion to issue a stay of  
17 proceedings in the interest of judicial economy and conserving the parties' resources. *Landis v. N.*  
18 *Am. Co.*, 299 U.S. 248, 254 (1936); *Lockyer v. Mirant Corp.*, 398 F.3d 1098, 1109 (9th Cir. 2005).

19 WHEREAS, no party will be harmed by the issuance of a stay and the Court and all parties  
20 will benefit from avoiding the cost and time expenditures inherent in pursuing simultaneous  
21 litigation in this Court and the Court of Appeals, given that the questions of law at issue in the  
22 appeal are also at issue in this Court;

23 WHEREAS, the parties agree that good cause exists for the issuance of a stay of the  
24 proceedings pending appeal.

1 NOW, THEREFORE, the parties hereby stipulate and request that the Court order that:

2 1. Further proceedings in this matter shall be stayed until the Court of Appeals issues  
3 its mandate in Plaintiff's appeal of this Court's order denying Plaintiff's motion for preliminary  
4 injunction.

5 2. The deadline for Defendants to file a responsive pleading is extended until 30 days  
6 after the Court of Appeals issues its mandate in Plaintiffs' interlocutory appeal in this matter.

7 3. The case management conference is continued until 90 days after the Court of  
8 Appeals issues its mandate in Plaintiff's interlocutory appeal in this matter.

9 4. All deadlines related to the Case Management Conference are continued  
10 accordingly.

11  
12 Dated: November 8, 2024 FIRST AMENDMENT COALITION

13 By /s/ Ann Cappetta  
14 DAVID LOY  
15 ANN CAPPETTA  
16 Attorneys for Plaintiff  
17 JOSE ANTONIO GARCIA

18 Dated: November 8, 2024 SHUTE, MIHALY & WEINBERGER LLP

19 By /s/ Matthew D. Zinn  
20 MATTHEW D. ZINN  
21 AARON M. STANTON  
22 Attorneys for Defendants  
23 COUNTY OF ALAMEDA and  
24 YESENIA SANCHEZ

## ATTORNEY'S E-FILING ATTESTATION

2 As the attorney e-filing this document, and pursuant to the Local Rules, I hereby attest that  
3 counsel for Defendants whose electronic signature appears above has concurred in this filing.

4 | Dated: November 8, 2024

## FIRST AMENDMENT COALITION

By

/s/ *Ann Cappetta*

DAVID LOY

ANN CAPPETTA

Attorneys for Plaintiff

JOSE ANTONIO GARCIA

## ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 11/12/2024

  
The Hon. Richard Scoborg

The Hon. Richard Seeborg